

COMPLAINT

FE048485

STATE OF IOWA

VS.

Albert David HARTE-MAXWEL  
W/M

State of Iowa,  
Pottawattamie County, ss.  
IN THE DISTRICT COURT OF IOWA  
POTTAWATTAMIE COUNTY

The above-named Defendant is hereby accused of the crime(s) Election Misconduct in the First Degree, Iowa 39A.2(1)(a), and Election Misconduct in the First Degree, Iowa 39A.2(1)(b)(3), Class "D" Felony (2counts)

For that the Defendant, on or about the 1<sup>st</sup> day of November, 2010 and on or about the 8<sup>th</sup> day of November, 2011 in Pottawattamie County, Iowa,

While as Canadian citizen residing in Council Bluffs, Iowa, did knowingly and willingly make application to register to vote within Pottawattamie County, and on said application, swore and affirmed he was a citizen of the United States, a statement which he knew to be materially false. After having registered to vote in Pottawattamie County, Harte-Maxwell then obtained and submitted a ballot for the 2010 general and 2011 city elections for which he was not qualified and ineligible to do so.

contrary to the statute in such cases made and provided by Sections Iowa 39.1, 39.3(3), 39.3(5), 39.1(7) 39A.2(1)(a), 39A.2(1)(b)(3) and 48.5A Code of Iowa.

WHEREFORE, the undersigned pray that the Defendant above-named may be arrested and dealt with according to law.

SA Dan Dawson I-78

Subscribed and sworn to by the said D. Dawson before me, this 19 day of Sept, 2012.

[Signature]  
JUDGE OR MAGISTRATE

IN THE IOWA DISTRICT COURT, IN AND FOR POTTAWATTAMIE COUNTY  
AT COUNCIL BLUFFS, IOWA

FECR048485

STATE OF IOWA }  
COUNTY OF POTTAWATTAMIE }

AFFIDAVIT IN SUPPORT  
OF COMPLAINT

2012 SEP 19 PM 4:20

I, **Daniel Dawson**, telephone number \_\_\_\_\_ : a member of the Iowa Division of  
**Criminal Investigation** being first duly sworn on oath, depose and state:

I am a certified peace officer with the State of Iowa and have been so for over 12 years. I have been assigned to the Major Crimes Unit, with the Iowa Division of Criminal Investigation (DCI), since April of 2010. I have received extensive training in criminal investigations during my law enforcement career. This training includes death investigations, crime scene processing, evidence handling, collection and packaging, financial crime investigations, computer crime investigations, interview and interrogation, and criminal intelligence techniques.

On August 14<sup>th</sup>, 2012, I was notified by the Iowa Secretary of State's Office of a possible vote cast by a non United States citizen. I was then provided with information that the Secretary of State's Office compared their voter registration rolls with known foreign national persons identified within the Iowa Department of Transportation driver's license database. After the data in these two systems were compared it was discovered that Albert Harte-Maxwell was a possible non-United States citizen who voted in the 2010 General election at Precinct #9 in Pottawattamie County, Iowa.

I then made contacted with United States Immigration and Customs Enforcement to determine Harte-Maxwell's immigration status. I then discovered on this check that Harte-Maxwell made multiple entries into the United States as a non-immigrant throughout 2009 and 2010 using a Canadian passport. On July 18<sup>th</sup>, 2011, Harte-Maxwell signed immigration documents with Immigration and Customs Enforcement which indicated he was a citizen of Canada. On January 13<sup>th</sup>, 2012 Harte-Maxwell's immigrations status was changed to Lawful Permanent Resident.

On August 29<sup>th</sup>, 2012, the Pottawattamie County Attorney's Office served the Pottawattamie County Auditor's Office with a subpoena for all documents relating to Harte-Maxwell's voter registration and voting activities within the county. I then obtained these records and discovered that Harte-Maxwell registered to vote in Pottawattamie County, Iowa on November 1<sup>st</sup>, 2010. On this registration form, contained within two different sections, it was printed "I swear or affirm... I am a United States Citizen". After this printed language Harte-Maxwell signed his signature of affirmation. Also located were Harte-Maxwell's Absentee Ballot Request Form and the Voted Ballot Affidavit Envelope which he used to submit his ballot to vote in the 2010 General Election. Additional documents were also provided which showed that Harte-Maxwell voted in the 2011 Council Bluffs city election wherein the State of Iowa's Voter Declaration of Eligibility was provided which displayed Harte-Maxwell's signature

which he used to sign into Pottawattamie County Precinct #9 to vote in the 2011 local election.

On September 7, 2012, Special Agent Chad Fiedler of the Iowa DCI, interviewed David Harte-Maxwell at his residence. Harte-Maxwell stated he is a Canadian citizen and a legal permanent resident of the United States. Harte-Maxwell also advised he had a Canadian passport and occasionally traveled back and forth to Canada. Harte-Maxwell indicated he registered to vote at a church office on 11<sup>th</sup> Street in Council Bluffs, IA. Harte-Maxwell stated it was his understanding that the only election that they were not able to vote in is the presidential election because you have to be an American citizen, and that they could vote in every other election. Harte-Maxwell stated he voted in 2010 in the gubernatorial election and the November 2011 city election.

I concluded that on November 2010 Albert David Harte-Maxwell, as a Canadian citizen residing in Council Bluffs, Iowa, did knowingly and willingly make application to register to vote within Pottawattamie County, and on said application, swore and affirmed he was a citizen of the United States, a statement which he knew to be materially false. After having registered to vote in Pottawattamie County, Harte-Maxwell then obtained and submitted a ballot for the 2010 general election, and 2011 Council Bluffs city election, for which he was not qualified and ineligible to do so.

SA Chad Fiedler CI-78

AFFIANT

Subscribed and sworn to before me this 19 day of Sept 2012

John B. T. Fisher  
ASSOCIATE DISTRICT JUDGE/NOTARY

COMPLAINT

FE01048184

STATE OF IOWA

VS.

Linda Susan HARTE-MAXWEL  
W/F

} State of Iowa,  
}  
} Pottawattamie County, ss.  
} IN THE DISTRICT COURT OF IOWA  
} POTTAWATTAMIE COUNTY

The above-named Defendant is hereby accused of the crime(s) Election Misconduct in the First Degree, Iowa 39A.2(1)(a), and Election Misconduct in the First Degree, Iowa 39A.2(1)(b)(3), Class "D" Felony

For that the Defendant, on or about the 8<sup>th</sup> day of November, 2011 in Pottawattamie County, Iowa,

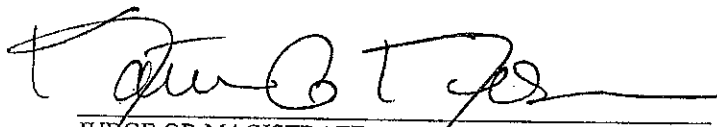
While as Canadian citizen residing in Council Bluffs, Iowa, did knowingly and willingly make application to register to vote within Pottawattamie County, and on said application, swore and affirmed she was a citizen of the United States, a statement which he knew to be materially false. After having registered to vote in Pottawattamie County, Harte-Maxwell then obtained and submitted a ballot for the 2011 local election for which she was not qualified and ineligible to do so.

contrary to the statute in such cases made and provided by Sections 39.1, 39.3(3), 39.3(5), 39.1(7) 39A.2(1)(a), 39A.2(1)(b)(3) and 48.5A Code of Iowa.

WHEREFORE, the undersigned pray that the Defendant above-named may be arrested and dealt with according to law.

SA Dan Dawson I-76

Subscribed and sworn to by the said D. Dawson before me, this 19 day of Sept, 2012.

  
JUDGE OR MAGISTRATE

IN THE IOWA DISTRICT COURT, IN AND FOR POTTAWATTAMIE COUNTY  
AT COUNCIL BLUFFS, IOWA

FECR048484

STATE OF IOWA }  
COUNTY OF POTTAWATTAMIE }

AFFIDAVIT IN SUPPORT  
OF COMPLAINT

I, **Daniel Dawson**, telephone number \_\_\_\_\_ **member of the Iowa Division of**  
**Criminal Investigation** being first duly sworn on oath, depose and state:

I am a certified peace officer with the State of Iowa and have been so for over 12 years. I have been assigned to the Major Crimes Unit, with the Iowa Division of Criminal Investigation (DCI), since April of 2010. I have received extensive training in criminal investigations during my law enforcement career. This training includes death investigations, crime scene processing, evidence handling, collection and packaging, financial crime investigations, computer crime investigations, interview and interrogation, and criminal intelligence techniques.

On August 14<sup>th</sup>, 2012, I was notified by the Iowa Secretary of State's Office of a possible vote cast by a non United States citizen. I was then provided with information that the Secretary of State's Office compared their voter registration rolls with known foreign national persons identified within the Iowa Department of Transportation driver's license database. After the data in these two systems were compared it was discovered that Linda Harte-Maxwell was a possible non-United States citizen who voted in the 2011 city election at Precinct #9 in Pottawattamie County, Iowa.

I then made contacted with United States Immigration and Customs Enforcement to determine Harte-Maxwell's immigration status. I then discovered on this check that Linda Harte-Maxwell entered into the United States as a non-immigrant on November 27<sup>th</sup>, 2010 using a Canadian passport. On July 18<sup>th</sup>, 2011, Harte-Maxwell signed immigration documents with Immigration and Customs Enforcement which indicated she was a citizen of Canada. On January 13<sup>th</sup>, 2012 Harte-Maxwell's immigrations status was changed to Lawful Permanent Resident.

On August 29<sup>th</sup>, 2012, the Pottawattamie County Attorney's Office served the Pottawattamie County Auditor's Office with a subpoena for all documents relating to Harte-Maxwell's voter registration and voting activities within the county. I then obtained these records and discovered that Harte-Maxwell registered to vote in Pottawattamie County, Iowa on November 8<sup>th</sup>, 2011. On this registration form, contained within two different sections, it was printed "I swear or affirm... I am a United States Citizen". After this printed language Harte-Maxwell signed her signature of affirmation. Additional documents were also provided which showed that Harte-Maxwell voted in the 2011 local election wherein the Voter Roster was provided which displayed Harte-Maxwell's signature which she used to sign in through Pottawattamie County Precinct #9 to vote in the 2011 city election.

On September 7, 2012, Special Agent Chad Fiedler of the Iowa DCI, interviewed Linda Susan Harte-Maxwell at her residence. Harte-Maxwell stated she is a

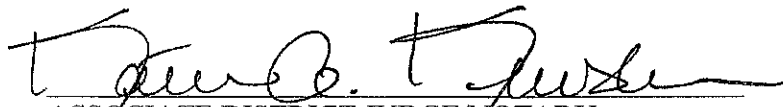
Canadian citizen and a legal permanent resident of the United States. Harte-Maxwell also advised she had a Canadian passport and occasionally traveled back and forth to Canada. Harte-Maxwell indicated she registered to vote at an unknown municipal voting station in Council Bluffs, IA. Harte-Maxwell stated it was her understanding that the only election that she was not able to vote in is the presidential election because you had to be an American citizen, and that they could vote in every other election. Harte-Maxwell stated she voted in the November 2011 Council Bluffs city election.

I concluded that on November 8<sup>th</sup>, 2011 Linda Susan Harte-Maxwell, as a Canadian citizen residing in Council Bluffs, Iowa, did knowingly and willingly make application to register to vote within Pottawattamie County, and on said application, swore and affirmed she was a citizen of the United States, a statement which she knew to be materially false. After having registered to vote in Pottawattamie County, Harte-Maxwell then obtained and submitted a ballot for the 2011 city election, for which she was not qualified and ineligible to do so.

SA  I-78

AFFIANT

Subscribed and sworn to before me this 19 day of Sept 2012

  
ASSOCIATE DISTRICT JUDGE/NOTARY

COMPLAINT

FEOR 048486

STATE OF IOWA

VS.

Maria Ayon-Fernandez  
W/F

}  
}  
}  
}

State of Iowa,  
Pottawattamie County, ss.  
IN THE DISTRICT COURT OF IOWA  
POTTAWATTAMIE COUNTY

The above-named Defendant is hereby accused of the crime(s) **Election Misconduct in the First Degree,**  
Iowa 39A.2(1)(b)(3), Class "D" Felony

For that the Defendant, on or about the 2<sup>nd</sup> day of November, 2010 in Pottawattamie County, Iowa,


While as a citizen of Mexico residing in Council Bluffs, Iowa, Maria Ayon Fernandez registered to vote in Pottawattamie County, and subsequently obtained and submitted a ballot for the 2010 general election for which she was not qualified and ineligible to do so.

contrary to the statute in such cases made and provided by Sections 39.1, 39.3(3), 39.3(5), 39.1(7), 39A.2(1)(b)(3) and 48.5A Code of Iowa.

WHEREFORE, the undersigned pray that the Defendant above-named may be arrested and dealt with according to law.

SA Don Dawson J-78

Subscribed and sworn to by the said D. Dawson before me, this 19 day  
of Sept, 2012.

  
JUDGE OR MAGISTRATE

IN THE IOWA DISTRICT COURT, IN AND FOR POTTAWATTAMIE COUNTY  
AT COUNCIL BLUFFS, IOWA

FE048486

STATE OF IOWA }  
COUNTY OF POTTAWATTAMIE }

AFFIDAVIT IN SUPPORT  
OF COMPLAINT

I, **Daniel Dawson**, telephone number : a member of the Iowa Division of  
**Criminal Investigation** being first duly sworn on oath, depose and state:

I am a certified peace officer with the State of Iowa and have been so for over 12 years. I have been assigned to the Major Crimes Unit, with the Iowa Division of Criminal Investigation (DCI), since April of 2010. I have received extensive training in criminal investigations during my law enforcement career. This training includes death investigations, crime scene processing, evidence handling, collection and packaging, financial crime investigations, computer crime investigations, interview and interrogation, and criminal intelligence techniques.

On August 14<sup>th</sup>, 2012, I was notified by the Iowa Secretary of State's Office of a possible vote cast by a non United States citizen. I was then provided with information that the Secretary of State's Office compared their voter registration rolls with known foreign national persons identified within the Iowa Department of Transportation driver's license database. After the data in these two systems were compared it was discovered that Maria Ayon-Fernandez was a possible non-United States citizen who voted in the 2010 general election at Precinct #5 in Pottawattamie County, Iowa.

I made contact with United States Immigration and Customs Enforcement to determine Maria Ayon-Fernandez's immigration status. I then discovered Maria Ayon-Fernandez was listed as a citizen of Mexico whose status was adjusted to Lawful Permanent Resident within the United States on May 16<sup>th</sup>, 1988 and was made retroactive to April 17<sup>th</sup>, 1986. There was no application within her file for naturalization or United States citizenship.

On August 29<sup>th</sup>, 2012, the Pottawattamie County Attorney's Office served the Pottawattamie County Auditor's Office with a subpoena for all documents relating to Maria Ayon-Fernandez's voter registration and voting activities within the county. I then obtained these records and discovered on February 25<sup>th</sup>, 2002, Maria Ayon-Fernandez registered to vote in Pottawattamie County, IA, through the Iowa Department of Transportation. I was also provided with an Absentee Ballot request form which Ayon-Fernandez submitted on August 26<sup>th</sup>, 2010 to vote in the November 2<sup>nd</sup> 2010 general election. On October 31<sup>st</sup>, 2010, Ayon Fernandez dated and signed a ballot Affidavit Envelope which she enclosed a ballot to be cast within Precinct #5, Pottawattamie County, for the November 2<sup>nd</sup>, 2010 general election.

On August 17<sup>th</sup>, 2012, I interviewed Maria Ayon-Fernandez at her residence. Maria Ayon-Fernandez stated she is a citizen of the United States. Maria Ayon-Fernandez went on to say she was born in Tijuana, Mexico but that she lived in California most of her life. Maria Ayon-Fernandez was unable to provide any



documentation to support her citizenship claim. Maria Ayon-Fernandez indicated she originally registered to vote in the State of California and then had her registration switched to Iowa when she moved to Council Bluffs. Maria Ayon-Fernandez stated she has voted in previous elections in Pottawattamie County but couldn't specifically recall the last election she voted in.

I concluded that while as a citizen of Mexico residing in Council Bluffs, Iowa, Maria Ayon Fernandez registered to vote in Pottawattamie County, and subsequently obtained and submitted a ballot for the November 2<sup>nd</sup>, 2010 general election for which she was not qualified and ineligible to do so.

SA Dan Dawson I-78

AFFIANT

Subscribed and sworn to before me this 19 day of Sept 2012

  
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ASSOCIATE DISTRICT JUDGE/NOTARY